

Appln. No. 10/501,144
Amd. dated November 9, 2007
Reply to Office Action of: August 10, 2007

REMARKS

The Examiner's action dated August 10, 2007, has been received, and its contents carefully noted.

REQUEST FOR WITHDRAWAL OF FINALITY OF REJECTION

In the action, the claims have been rejected on new grounds based on newly cited references and the Examiner has alleged that the new grounds were necessitated by applicants' amendments to the claims. It is submitted that this position is unjustified. Claim 1, as originally filed, specified that the enclosure has dimensions greater than those of the receiver case. In an effort to advance prosecution, claim 1 was amended simply to state that the dimensions were selected to allow storage of the receiver case in the enclosure. It is submitted that this addition does nothing more than, at most, to clarify the original recitation that the enclosure has dimensions greater than those of the receiver case. The specification clearly indicated that a primary purpose of the invention is to provide a transmitter case in which a receiver case can be stored. Therefore, the assertion that the amendment to claim 1 necessitated a new ground of rejection based on new references is simply unwarranted.

In the interest of fairness, it is asked that the finality of the rejection be withdrawn, that the present

Amendment be entered and that the amended claims be substantively considered.

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The rejection of claims 1, 2 and 4-16 as being unpatentable over Fitzgerald in view of Welch is respectfully traversed.

Each of claims 1 and 16 is directed to a transceiver set for a baby monitor, which set includes a transmitter case and a receiver case, in which the transmitter case has a removable wall permitting access to the interior of an enclosure dimensioned to allow storage of the receiver case in the enclosure.

The purpose and contribution of the present invention can be explained relatively simply.

Baby monitors consist of a transmitter unit and a receiver unit, each in its own case. In use, the transmitter case is placed in proximity to a sleeping baby and the receiver case is placed in proximity to a parent, or other caregiver, who is at a location remote from the transmitter case. This allows any sounds uttered the baby to be heard by the caregiver.

There are many baby monitors already on the market, all of which consist of two such cases. When the monitor is not in use, the cases are stored individually, possibly next

to one another. When it is desired to take the monitor on a trip, both of the cases must be located and packed for travel.

In an effort to improve the convenience of using such monitors, the present applicants came to the realization that if the receiver case, which is usually smaller than the transmitter case, could be stored in an enclosure within the transmitter case, there would then be, in effect, only one piece of equipment that would have to be stored or transported. It would no longer be necessary to allow space for two units or to have to locate two units, which may have been left at different locations.

Thus, the solution provided by the present invention was to form the transmitter case with an enclosure dimensioned to receive the receiver case and to provide the transmitter case with a wall that may be removed to allow introduction of the receiver case into, and removal of the receiver case from, the enclosure.

Although there are many forms of baby monitors on the market, none of them has such a structure. Moreover, what is more important, none of the applied references discloses a baby monitor having the above-described structural features. The fact that no one in the past has thought of so constructing the transmitter case of a baby monitor weighs heavily in favor of unobviousness of the present invention.

In an effort to advance matters, claim 1 has been amended by incorporation therein of the subject matter of claims 4 and 8, which have themselves been cancelled. Support for the recitation that the exterior shell of the transmitter case is in the form of a bell or dome will be found in the specification at paragraph [0023]. Support for the recitation that the material of the front wall of the shell may be semi-transparent will be found in the specification at paragraph [0029], and support for the recitation that this material may form part of the front wall of the transmitter case will be found in the specification at paragraph [0038].

In a further effort to advance matters, claim 1 has also been amended to define the radio signal transmitting means of the transmitter case and the radio signal receiving means of the receiver case. Support for these recitations will be found in paragraphs [0003], [0013] [0041] and [0045] of the specification.

In addition, claim 1 now states explicitly that the transmitter case has an opening dimensioned to allow insertion of the receiver case.

The primary reference, Fitzgerald, discloses a baby monitor which, as is the common practice, includes a baby unit, or transmitting unit, and a parent unit, or receiving unit. There is nothing in the disclosure of the reference to

suggest that the baby unit is, or can be, provided with an enclosure in which the parent unit can be stored when the monitor is not in use.

In the explanation of the rejection, the Examiner mentions that the monitor of Fitzgerald includes a parent unit 200, which he identifies as a receiver unit, and then mentions a receiver unit 28, and it is therefore not clear which of these receiver units is being equated to the claimed receiver case. The explanation of the rejection further includes the statement that the dimension of the transmitter unit is greater than the receiver unit, but does not indicate what dimension of the transmitter unit is being referred to.

In any event, the overall dimensions of the transmitter unit are not relevant; what is relevant is whether the transmitter unit has an enclosure dimensioned to allow storage of a receiver case. There is certainly no disclosure in the reference that the transmitter case of Fitzgerald has an enclosure that is capable of allowing storage of parent unit 200. Indeed, in view of the length of the antenna associated with the parent unit, it would be impossible to store the parent unit in the case of the transmitter unit. In addition, the transmitter case of the reference does not have an opening that would allow introduction of the parent unit to the interior of the transmitter unit. Of course, the more

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significant fact is that there is no disclosure of suggestion in this reference for providing a transmitter unit with an enclosure dimensioned to receive the parent unit.

If the rejection is based on the view that the receiver 28 of Fitzgerald corresponds to the claimed receiver case, it must be pointed out that there is no disclosure in the reference that receiver 28 is installed in its own case. Receiver 28 is hard wired within the transmitter unit, which means that it need not be provided with a case and *cannot be removed from the transmitter unit*. Here again, it is noted that there is no disclosure in the reference that the case of the transmitter unit would have an opening to permit removal of receiver 28.

Since the explanation of the rejection made reference to receiver unit 28, claim 1 has been amended to clarify the nature of the transmitter case and the receiver case, and in particular to specify that the transmitter case and receiver case each has means including an antenna for the transmission of radio signals from the transmitter case to the receiver case. Clearly, these recitations eliminate the possibility of comparing receiver 28 of the reference to the receiver case defined in the claims of the present application.

With regard to the comment at the top of page 4 of the action, there is no disclosure in Fitzgerald that some part of the baby unit could be removed for inserting the receiver unit, it being assumed that the Examiner is there referring to receiver 28. There is nothing in the disclosure of the applied reference to suggest that there is a "front unit" that can be removed. One skilled in the art would understand that all of the circuitry shown in Figure 2 of Firzgerald would be formed on a single circuit board which would be inserted into the baby unit case during manufacture, after which the case would be sealed.

The deficiencies in the disclosure of Fitzgerald are not supplied by Welch. In the explanation of the rejection, the Examiner asserts that Welch discloses a main monitor 12 with a transmitter 12G, and a receiver and remote monitor unit 14. The Examiner then asserts that the main monitor unit 12 is selected to allow storage of remote monitor unit 14. There is simply no basis in the Welch disclosure for this assertion.

In support of that assertion, the Examiner refers to Figure 1 and column 7, lines 1-32. Figure 1 shows that the transmitter (12G) is a small component within main monitor 12 and that main monitor 12 and remote monitor unit 14 are stored on a charging base alongside one another.

As regard column 7, lines 1-32 of the reference, this only describes the mounting of main monitor 12 and remote monitor 14 on the charger base and says *nothing* about storing remote monitor unit 14 in main monitor 12.

There is simply no disclosure in Welch of the concept of providing the main monitor with an enclosure dimensioned to receive the remote monitor.

Thus, the statement in the second full paragraph on page 4 of the action, that Welch teaches selecting transmitter unit 12 to allow storage of receiver unit 14, is simply incorrect. The possibility of placing both the main monitor and the remote monitor on a common charging base has nothing to do with storing the remote monitor within the main monitor.

It might be noted that Welch teaches away from the present invention by disclosing apparatus composed of three separate parts.

Thus, neither of the applied references discloses or suggests the basic concept of the present invention and no modification of Fitzgerald in accordance with the teachings of Welch would result in a monitor having a transmitter case provided with an enclosure that is closed by a removable wall and that is dimensioned to allow storage of the receive case in the enclosure provided in the transmitter case.

Claim 1 now further distinguishes over the applied references by its recitation that the exterior shell is in the form of a bell or dome having a front wall made of material that is transparent or semi-transparent to light over at least part of its surface and that the enclosure is delimited between the exterior shell and the pedestal.

Due to the fact that the exterior shell is at least partially transparent or semi-transparent light, one can see into the transmitter case to determine whether the receiver case is stored therein when the enclosure of the transmitter case is closed. Particularly since the exterior shell encloses the pedestal that contains the electric and functional parts of the appliance, the shell can then cover the storage enclosure, while having thin walls that can be made transparent by an appropriate choice of materials. The transmitter case can, in this configuration, also function as a night light for the baby, the light being visible from inside the case, through the transparent or semi-transparent wall portion, even if the receiver case is being stored in the enclosure, due particularly to the size of the enclosure. The dome or bell-shaped form of the exterior shell thus permits a good diffusion of light from the enclosure.

Claim 16 equally distinguishes patentably over any reasonable combination of the applied references, at least by its recitation that the transmitter case has at least one removable wall, a first enclosure having dimensions greater than those of the receiver case, the dimensions being selected to allow storage of the receiver case in the enclosure, and a second enclosure for receiving a battery case.

The rejection of claim 3, presented in Section 7 of the action, is traversed essentially for reasons set forth above with respect to the rejection presented in Section 6 of the action. None of the applied references, including Abrams, discloses a transmitter case having an enclosure dimensioned to allow storage of a receiver case, from which it follows that none of the applied references discloses the particular dimensional value defined in claim 3.

As regards the Abrams patent, this does not disclose an enclosure and certainly does not disclose an enclosure that has a removable rear wall permitting access to the interior of an enclosure.

In addition to the fact that Abrams does not disclose an enclosure, that reference also does not disclose a transmitter case. Therefore, it cannot possibly be considered to disclose a ratio between the volume of an enclosure that is

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formed in a transmitter case and the volume of a receiver case.

In view of the foregoing, it is requested that the rejection of records be reconsidered and withdrawn, that all of the claims in the application be allowed and that the application be found in allowable condition.

With respect to this application, if the Examiner does not consider this Amendment to place the application in allowable condition, it is desired to arrange for a personal interview to discuss the remaining issues. Accordingly, the Examiner is asked to telephone undersigned counsel after having considered the Amendment to discuss the necessity for an interview.

Respectfully submitted,

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